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5 **IN THE UNITED STATES DISTRICT COURT**  
6 **FOR THE EASTERN DISTRICT OF WASHINGTON**

7 TIMOTHY BINFORD,

8 Plaintiff,

9 v.

10 SHANNON MCCRILLIS, JOHN R.  
11 OLIPHANT, HAROLD J.  
12 WHAPELES and DAVID KENNEDY,

Defendants.

NO: 2:15-CV-127-RMP

ORDER ADOPTING REPORT AND  
RECOMMENDATION, DISMISSING  
COMPLAINT WITHOUT PREJUDICE  
AND DIRECTING THAT  
COLLECTION OF FILING FEE  
CEASE

13 Magistrate Judge Hutton filed a Report and Recommendation, ECF No. 20,  
14 recommending that Mr. Binford's Motion to Voluntarily Dismiss this action be  
15 granted. Defendants have not been served. There being no objections, the Court  
16 **ADOPTS** the Report and Recommendation. Plaintiff's Motion, **ECF No. 17**, is  
17 **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE**.

18 **IT IS FURTHER ORDERED** Plaintiff's Motion to Waive Filing Fee, **ECF No.**  
19 **18**, is **GRANTED** and the institution having custody of Mr. Binford shall cease

20 ORDER ADOPTING REPORT AND RECOMMENDATION, DISMISSING  
COMPLAINT WITHOUT PREJUDICE AND DIRECTING THAT  
COLLECTION OF FILING FEE CEASE -- 1

1 collection of the filing fee in this action, formerly cause number **2:15-cv-00127-JPH**,  
2 now 2:15-cv-00127-RMP.

3 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
4 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff and  
5 close the file. The District Court Executive is further directed to send a copy of this  
6 Order to the **Federal Bureau of Prisons, P.O. Box 474701, Des Moines, IA 50947-**  
7 **0001**, to forward to the appropriate agency having custody of Plaintiff. The District  
8 Court Executive also shall provide a copy of this Order to the Financial Administrator  
9 for the United States District Court, Eastern District of Washington.

10 **DATED** this 20th day of October 2015.

11  
12 *s/ Rosanna Malouf Peterson*  
13 ROSANNA MALOUF PETERSON  
14 Chief United States District Court Judge  
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ORDER ADOPTING REPORT AND RECOMMENDATION, DISMISSING  
COMPLAINT WITHOUT PREJUDICE AND DIRECTING THAT  
COLLECTION OF FILING FEE CEASE -- 2